

Executive Order 10540

Designating Certain Officers of the Government to Which the Annual and Sick Leave Act of 1951, as Amended, Shall Not Apply, and Delegating the Authority To Make Such Designations to the Chairman of the United States Civil Service Commission

By virtue of the authority vested in me by section 202 (c) (1) (C) of the Annual and Sick Leave Act of 1951, as added by the act of July 2, 1953, 67 Stat. 136, and by section 301 of title 3 of the United States Code, it is ordered as follows:

1. Subject to the provisions of section 2 hereof, officers in the executive branch of the Government and officers of the government of the District of Columbia, including officers of corporations wholly owned or controlled by the United States, who now or may hereafter occupy the positions set forth in the schedule attached hereto and made a part hereof are hereby designated as officers to whom the Annual and Sick Leave Act of 1951, as amended, shall not apply.

2. The Chairman of the United States Civil Service Commission is hereby designated and empowered, without the approval, ratification, or other action of the President, to exercise the authority conferred upon the President by section 202 (c) (1) (C) of the said Annual and

Sick Leave Act of 1951, as amended, to designate officers in the executive branch of the Government and officers of the government of the District of Columbia, including officers of corporations wholly owned or controlled by the United States, to whom the said Annual and Sick Leave Act of 1951, as amended, shall not apply. The authority delegated by this paragraph to the Chairman of the Civil Service Commission shall be deemed to include the authority to add positions to, or delete positions from, the schedule of positions attached hereto and made a part hereof, as the Chairman may from time to time consider appropriate.

3. This order shall become effective immediately except that paragraph 1 thereof shall become effective on the first day of the first pay period of the respective officers concerned which begins after the date of this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

June 29, 1954.

Appendix A to Chapter L-1

List of Officers Excluded From Coverage Pursuant to Section 202 (c) (1) (C) of the Annual and Sick Leave Act of 1951, as Amended

Executive Office of the President

1. ★ Deputy ★ Director, Bureau of the Budget, authorized by Title I of the First Independent Offices Appropriation Act, 1954 (67 Stat. 298, 299).

Department of State

1. Legal Adviser.
2. Administrator, Bureau of Security and Consular Affairs.
3. Commissioner, International Boundary Commission - United States, Alaska, and Canada.
4. Commissioner, International Boundary and Water Commission - United States and Mexico.
5. Commissioner, International Joint Commission - United States and Canada.¹
6. Representative, United States Mission to the United Nations.¹
7. Deputy Representative, United States Mission to the United Nations.¹

Department of the Treasury

1. Treasurer of the United States.
2. Assistant Treasurer of the United States.
3. General Counsel.
4. Director of the Mint (effective January 14, 1955).

Department of the Army

1. Commissioner, Mississippi River Commission

Department of the Interior

(a) Office of Territories.

1. Governor of Guam.

¹ Except when position is filled by a Federal officer or employee compensated for a position not exempted by or pursuant to section 202 (c) (1) (C) of the Annual and Sick Leave Act of 1951, as amended.

2. Government Secretary of Guam

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3. Government Secretary for the Virgin Islands.
4. Secretary of the Territory of Alaska.
5. Secretary of the Territory of Hawaii.
6. High Commissioner of the Trust Territory of the Pacific Islands.

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Department of Labor

1. Solicitor.
2. Director, Women's Bureau.

Department of Commerce

1. General Counsel.

Central Intelligence Agency

1. Deputy Director.

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Indian Claims Commission

1. Chief Commissioner.
2. Associate Commissioner.

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War Claims Commission

1. Commissioner.

Government of the District of Columbia

1. Member, Board of Commissioners.
2. Member, Public Utility Commission.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2065. Interprets or applies sec. 202, 65 Stat. 679, as amended; 5 U. S. C. 2061. E. O. 10540, 19 F. R. 3983.)

★ Amended January 31, 1956

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Appendix B to Chapter I-1

Criteria and Operating Procedures for Requesting Exclusions of Presidential Appointees from the Annual and Sick Leave Act of 1951, as Amended

The Chairman of the Commission has approved the following criteria and operating procedures for use by heads of departments and agencies in making recommendations to the Chairman for the exclusion of Presidential appointees from the Annual and Sick Leave Act of 1951, as amended:

Criteria

An officer may be recommended for exclusion from the Leave Act only if he is a Presidential appointee. In addition, the following factors should be considered:

- A. *Tenure.* The tenure of officers to be recommended for exclusion must be specifically limited or of uncertain duration.
- B. *Nature of Position.* The officer so recommended should occupy a position at a level and of a type which generally has some or all of the following characteristics:
 - (1) The office held is, generally speaking a unique position in the agency;
 - (2) The incumbent has continuing responsibility for carrying out the duties of his office even during periods of absence from the office;
 - (3) The incumbent participates in high-level policy formulation and decisions based on public contacts outside official hours and away from his official post of duty; and
 - (4) Has freedom for self-supervision and responsibility.

Form of Submission

Each department and agency is requested to submit its recommendations in duplicate in accordance with the following outline:

1. *Officer's name.* Show the officer's full name exactly as it appears on the payroll.
2. *Title.* Show the officer's official payroll title and include organizational or functional title if different.
3. *Salary and Authority.* Show officer's current base salary and cite the authority upon which the appointment and salary are based. (It must be clearly shown that the officer is a Presidential appointee).
4. *Tenure.* Show duration of appointment if specifically limited; if not specifically limited, explain why it is of uncertain duration.
5. *Duties.* Describe in complete detail all aspects of the officer's duties and responsibilities which, under the criteria furnished above, appear to warrant his exclusion from the Annual and Sick Leave Act of 1951, as amended.

Report of Changes Required

Department and agency heads shall report any changes required in the list of exclusions published in appendix A of this chapter.

Approved January 31, 1956

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